IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4857 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAFATBHAI C. VAGHELA & 2 - Petitioner(s)
Versus
DIST. SUPERINTENDENT OF POLICE - Respondent(s)

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Appearance :
NOTICE SERVED for Petitioner(s) : 1 - 3.
MR L B DABHI Ld.AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 20/02/2006

ORAL JUDGMENT

1. The petitioners have filed this petition under

Article 226 of the Constitution of India praying for quashing and setting aside the order of suspension dated 05.05.1993 passed by the District Superintendent of Police, Kheda, placing the petitioners under suspension cum transfer as being bad in law, illegal, arbitrary, unconstitutional, suffers from non application of mind and also in violation of the principles laid down by the Division Bench of this Court in a case reported in 27(1) GLR 41. The petitioners have also prayed for declaration that the respondent authority has no power to suspend as well as transfer the petitioners for the alleged incidence in question dated 02.11.1992. The petitioners have also prayed for interim relief staying the operation, implementation and execution of the impugned order and further direction to permit the petitioners to discharge their duties as police personnel and to draw their salaries accordingly.

2. This court has issued rule and granted interim relief in terms of Para-17(c) of the petition on 08.06.1993, whereby the order of suspension was

stayed by this Court. Subsequent to this order, the respondent authorities have passed an order dated 04.04.1996 stating that pursuant to the interim order passed by this Court in this petition, the petitioners were reinstated w.e.f. 03.07.1993.

3. The petition was originally filed by the learned advocate who expired during the pendency of this petition. The Court has thereafter issued fresh notice to the petitioners. The notice was duly served on the petitioners. However, no appearance has been filed on behalf of the petitioners. Even otherwise, since order of suspension was stayed by this Court and petitioners have already been reinstated, the grievance raised by the petitioners does not survive and the petitioners might have lost their interest in prosecuting the matter.

4. Be that as it may, since the order of suspension has been stayed in the year 1993, after more than 13 years the Court has not thought it fit to revive the said suspension. The court is also of the view that the said suspension order did not remain in

force by efflux of time. The petition is accordingly allowed. Rule is made absolute without any order as to costs.

(K.A.PUJ, J.)

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